

## REMARKS

Claims 1, 8, 10, 12, 21-23 and 25 are pending. Claims 1, 10 and 21 are amended herein. No new matter is added as a result of the claim amendments.

### 102 Rejections

#### Claims 1 and 8

The instant Office Action states that Claims 1 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bhattacharyya (U.S. Patent No. 6,784,480). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1 and 8 is not anticipated by Bhattacharyya.

Applicants respectfully submit that Bhattacharyya does not show or suggest the particular structure recited in independent Claim 1. For example, Bhattacharyya's ONO layer is not "sandwiched between said floating gate and said control gate" as recited in independent Claim 1.

Therefore, Applicants respectfully submit that Bhattacharyya does not anticipate independent Claim 1 and that the rejection of Claim 1 under 35 U.S.C. § 102(e) is traversed. Applicants also submit that the rejection of Claim 8 under 35 U.S.C. § 102(e) is traversed, as Claim 8 is dependent on Claim 1 and recites additional limitations.

#### Claims 10 and 12

The instant Office Action states that Claims 10 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Weimer ("Weimer '380;" U.S. Patent No. 6,348,380). The Applicants have reviewed the cited reference and respectfully submit

that the present invention as recited in Claims 10 and 12 is not anticipated by Weimer '380.

Applicants respectfully submit that Weimer '380 does not show or suggest the particular structure recited in independent Claim 10. For example, Weimer '380 does not show or suggest "wherein said tunnel oxide layer is sandwiched between said substrate and said first layer, wherein said first layer is sandwiched between said tunnel oxide layer and said polysilicon floating gate," "said tunnel oxide layer comprising a dielectric material having a dielectric constant greater than that of silicon dioxide, wherein said dielectric material comprises a metal oxide." Weimer '380's tunnel dielectric layer 230' is sandwiched between substrate 220 and liner layer 292 (which includes silicon), but liner layer 292 is not sandwiched between a tunnel oxide layer and a floating gate.

Therefore, Applicants respectfully submit that Weimer does not anticipate the limitations of independent Claim 10 and that the rejection of Claim 10 under 35 U.S.C. § 102(b) is traversed. Applicants also submit that the rejection of Claim 12 under 35 U.S.C. § 102(b) is traversed, as Claim 12 is dependent on Claim 10 and recites additional limitations.

#### Claims 21-23 and 25 versus Weimer '007

The instant Office Action states that Claims 21-23 and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Weimer ("Weimer '007;" U.S. Patent No. 6,559,007). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 21-23 and 25 is not anticipated by Weimer '007.

Applicants respectfully submit that Weimer '007 does not show or suggest the particular structure recited in independent Claim 21. For example, Weimer '007 does not show or suggest "wherein said first layer is sandwiched between said substrate and said dielectric layer, wherein said dielectric layer is sandwiched between said first layer and said second layer, wherein said second layer is sandwiched between said dielectric layer and said floating gate," where according to the claims the first layer separates the dielectric layer from the substrate and the second layer separates the dielectric layer from the floating gate. Weimer '007 does not show or suggest such layers.

Therefore, Applicants respectfully submit that Weimer '007 does not anticipate the limitations of independent Claim 21 and that the rejection of Claim 21 under 35 U.S.C. § 102(e) is traversed. Applicants also submit that the rejection of Claims 22-23 and 25 under 35 U.S.C. § 102(e) is traversed, as Claims 22-23 and 25 are dependent on Claim 21 and recite additional limitations.

#### Claim 21 versus Zheng

The instant Office Action states that Claim 21 is rejected under 35 U.S.C. § 102(e) as being anticipated by Zheng et al. ("Zheng;" U.S. Patent No. 6,693,321). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claim 21 is not anticipated by Zheng.

Applicants respectfully submit that Zheng does not show or suggest the particular structure recited in independent Claim 21. For example, Zheng does not show or suggest "wherein said first layer is sandwiched between said substrate and said dielectric layer, wherein said dielectric layer is sandwiched between said first layer

and said second layer, wherein said second layer is sandwiched between said dielectric layer and said floating gate," where according to the claims the first layer separates the dielectric layer from the substrate and the second layer separates the dielectric layer from the floating gate. Zheng does not show or suggest such layers.

Therefore, Applicants respectfully submit that Zheng does not anticipate the limitations of independent Claim 21 and that the rejection of Claim 21 under 35 U.S.C. § 102(e) is traversed.

#### Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1, 8, 10, 12, 21-23 and 25 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
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